

REMARKS

Applicants request reconsideration of the present application. Claim 15 has been canceled and claims 1-4 and 6-22 and 26 have been amended. Claims 1-4 and 6-26 are currently pending in the present application, with claims 1, 8, 22 and 25 being independent claims.

ENTRY OF AMENDMENT AFTER FINAL

Applicants request entry of this Amendment after Final in that it does not raise any new issues requiring further consideration and/or search, and puts the present application in condition for allowance.

INFORMATION DISCLOSURE STATEMENT

In the Office Action, the Examiner states that the Information Disclosure Statement is not in accordance with 37 C.F.R. 1.98(a)(3) because no translation of the Korean Office Action was provided. Thus, the Examiner has not considered any documents cited on the form PTO-1449.

In response, Applicants submit that the Examiner is not required to nor do Applicants request the Examiner's consideration of the Korean Office Action. The Korean Office Action is merely provided as proof of the date on which the Office Action was issued such that Applicants could provide proper certification under 37 C.F.R. § 1.97(e). Regardless, however, it appears that the Examiner has overlooked the additional reference U.S. Patent No. 6,390,803 listed on the

form PTO-1449. Accordingly, Applicants request that the Examiner consider U.S. Patent No. 6,390,803, and indicate such in the next PTO correspondence.

DRAWINGS

Applicants acknowledge the Examiner's acceptance of the drawings.

PRIOR ART REJECTIONS

Rejection under 35 U.S.C. §102(e)

Claims 1-14 and 26 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Metzner et al. (U.S. Patent Publication No. 2003/0232511 A1, hereinafter referred to as "Metzner"). Applicants traverse this rejection.

On page 9 of the May 28, 2005 Office Action, and again on page 8 of the October 17, 2005 Office Action, the Examiner correctly recognizes that the prior art fails to teach or suggest a composite oxide layer, wherein the "first and second precursors are different," as now set forth in claim 1. For at least this reason, Applicants submit that claim 1 is in condition for allowance. Furthermore, claims 2-7 and 26 are allowable at least by virtue of their dependency upon claim 1.

Claim 8 is also allowable for at least reasons somewhat similar to those set forth above with regard to claim 1, and claims 9-14 are allowable at least by virtue of their dependency upon claim 8.

Rejection under 35 U.S.C. §103(a)

Claims 15-22 and 25 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Metzner in view of Basceri et al. (U.S. Patent No. 6,753,618 B2, hereinafter referred to as "Basceri"). Applicants traverse this rejection.

Neither Metzner nor Basceri teaches or suggests a method for forming a capacitor, wherein "the first and second oxide dielectric layers are different," as now set forth in claim 22.

Metzner only discusses forming oxide films of a single type (e.g., hafnium oxide films), which may be used to form conventional semiconductor films. See paragraph [0011] of Metzner. Similarly, Basceri only discloses forming a single dielectric layer 80 including a single film of, for example, Al_2O_3 . See col. 9, ll. 48-53 of Basceri. Neither Metzner nor Basceri, however, teach or suggest two different dielectric layers. For at least this reason, even assuming that Basceri could be combined with Metzner (which Applicants do not admit), the combination would still fail to teach all of the features of claim 22.

Thus, independent claim 22, and dependent claims 16-21 and 25, are in condition for allowance.

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

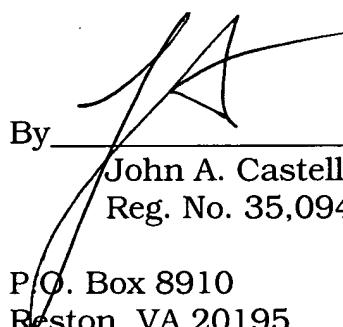
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By


John A. Castellano
Reg. No. 35,094

P.O. Box 8910
Reston, VA 20195
(703) 668-8000

JAC/AMW:jcp

Aw